



ARIZONA STATE SENATE
Fifty-Fourth Legislature, First Regular Session

AMENDED

FACT SHEET FOR S.B. 1247

residential care institutions; children

Purpose

An emergency measure that requires certain licensees that employ individuals who provide direct services to children in specified licensed residential care facilities to submit information to the Department of Child Safety (DCS) for central registry background checks. Requires the Department of Health Services (DHS) to verify if a licensee has complied with central registry background check requirements.

Background

DCS maintains a central registry of substantiated reports of child abuse and neglect and the outcomes of the associated investigations. DCS uses the central registry to perform background checks to determine qualifications for: 1) foster home licensure; 2) adoptive parent certification; 3) child welfare agency licensure; 4) childcare home certification; 5) registration of unregulated childcare homes with the childcare resource and referral system; and 6) community-based services certification for services to children or vulnerable adults. DCS additionally uses the central registry to perform background checks and to determine qualifications for the following, if they provide direct services to children or vulnerable adults: 1) state employees and prospective state employees; 2) employees and prospective employees of child welfare agencies; 3) state contractors and subcontractors; and 4) employees and prospective employees of state contractors and subcontractors. Statute requires licensees that do not contract with the state and that employ persons who provide direct services to children childcare program settings to submit information to DCS for the purpose of conducting a central registry background check. DHS is required to verify whether licensees are in compliance with central registry background check requirements and any related rules adopted by DHS ([A.R.S. § 8-804](#)).

DHS is required to inspect the premises of healthcare institutions in Arizona, investigate the character and other qualifications of a healthcare institution and determine if a healthcare institution is in substantial compliance with prescribed licensure requirements. Currently, DHS is required to accept proof that a healthcare institution is an accredited healthcare institution in lieu of any required compliance inspections, if DHS receives the healthcare institution's accreditation report for a given licensure period. If the healthcare institution's accreditation report is not valid for the entire licensure period, DHS is permitted to conduct compliance inspections during the licensure period not covered by a valid accreditation report. A *healthcare institution* is any place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or direct care services and includes home health agencies, outdoor behavioral healthcare programs and hospice service agencies ([A.R.S. §§ 36-401](#) and [36-424](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires licensees that do not contract with Arizona, that contract with the federal government, that receive only federal monies and that employ individuals who provide direct services to children in a licensed behavioral health residential facility to submit information necessary for DCS to conduct a central registry background check for the licensees' employees and prospective employees, beginning September 1, 2019.
2. Requires licensees to submit necessary information for a central registry background check on a form prescribed by DCS and authorizes DCS to provide information contained in a central registry background check to licensees.
3. Directs DHS to verify whether the licensees have complied with central registry background check requirements.
4. Permits the Director of DHS to accept accreditation reports in lieu of compliance inspections from behavioral health residential facilities that provide behavioral health services to children if:
 - a) the facility is accredited by an independent, nonprofit accrediting organization approved by the Secretary of the U.S. Department of Health and Human Services (U.S. DHS); and
 - b) the facility has not been subject to an enforcement action within one year preceding the annual licensing fee anniversary date.
5. Requires each licensed premises of a healthcare institution to be individually accredited.
6. Directs DHS to adopt rules requiring employees and personnel of residential facilities that provide behavioral health services to children to report any child abuse or neglect.
7. Requires licensed behavioral health residential facilities that provide services to children, that contract with the federal government and that only receive federal monies to report to DHS within 24 hours after an actual or alleged event or situation that creates a significant risk of harm to the physical or mental health, safety or well-being of a resident at a facility or while the resident is in the custody of a facility, if the event requires notification to law enforcement, DCS or the U.S. DHS.
8. Requires licensees to inform DHS regarding any corrective action plan required by the U.S. DHS.
9. Requires a behavioral health facility that provides services to children to notify DHS within 30 days after the facility begins contracting exclusively with the federal government, receives only federal monies and does not contract with Arizona.
10. Makes technical and conforming changes.
11. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by Committee

1. Applies requirements to licensees that provide direct services to children in behavioral health residential care facilities, that contract with the federal government and that are solely federally funded.

2. Specifies that central registry background check requirements prescribed for specified licensees begin on September 1, 2019, rather than the general effective date.
3. Permits the Director of DHS to accept accreditation in lieu of compliance inspections if a behavioral health residential facility meets certain criteria.
4. Adds an emergency clause.
5. Makes technical and conforming changes.

Amendments Adopted by Committee of the Whole

1. Requires certain behavioral health facilities to report to DHS after an actual or alleged event that creates a risk of harm to the well-being of a facility resident.
2. Requires certain behavioral health facilities to notify DHS within 30 days after the facility meets specified requirements.
3. Directs licensees to inform DHS of any corrective action plan required by the U.S. DHS.

Senate Action

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